

## NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :  
 :  
THE EL FARO INCIDENT OFF THE: NTSB Accident No.  
COAST OF THE BAHAMAS ON : DCA16MM001  
OCTOBER 1, 2015 :  
 :  
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INTERVIEW OF: BUTCH NEWKIRK

Monday,  
October 12, 2015

Jacksonville, Florida

## BEFORE:

MIKE KUCHARSKI, NTSB  
[REDACTED] U.S. Coast Guard  
[REDACTED] U.S. Coast Guard  
MIKE MILLAR, ABS  
MELISSA SERRIDGE, TOTE Services  
AL SHEPHERD, ABS  
KEVIN STITH, TOTE Services  
LESLEY STOCKER, Portus

## PRESENT ON BEHALF OF THE INTERVIEWEE:

ROBERT DEES, ESQ.

This transcript was produced from audio  
provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 (3:10 p.m.)

3 MR. KUCHARSKI: This is Mike Kucharski, the  
4 Group Chairman for the Operations, Operations Group, I  
5 should say, for the NTSB. You know, we're gathered  
6 here to interview Butch Newkirk, relating to what  
7 happened in the El Faro incident, over at the Marriott  
8 Hotel in Jacksonville, Florida. Today's the 12th of  
9 October, and it's about 1510, about 3:10 p.m. in the  
10 afternoon. I have this on recording. I'll ask, Mr.  
11 Newkirk, do you have any objection to us recording this  
12 interview?

13 RESPONDENT: No, sir.

14 MR. KUCHARSKI: Okay, great. The purpose of  
15 the investigation is to increase safety, not to assign  
16 fault, blame, or liability. NTSB cannot offer any  
17 guarantee of confidentiality or immunity from legal or  
18 licensed actions. I'll stop there. We can't enforce  
19 it, but this information will be part of a public  
20 record. So your name will be on there. We always  
21 protect certain information, of social security  
22 numbers, all that type of thing. But, otherwise, the  
23 actual interview will be on the public, it's called a  
24 public docket.

25 You can review that transcript, after we

1 record this. We actually put it in writing and we  
2 transcribe it and you are more than welcome to review  
3 it, before it goes out, it goes into the public docket.  
4 If you want me to send you a copy, or I can send it  
5 through TOTE, to Portus. You can get that and look it  
6 over and if you have any comments you say may be wrong  
7 what I said, or the word is wrong, or whatever it may  
8 be, you're more than welcome to offer your suggestions,  
9 as far as correcting it.

10 You can have one representative, of your  
11 choice, to be your personal representative. The  
12 personal representative may not testify on your behalf.  
13 They can't answer the questions. Your representative,  
14 representative comments are limited to, it should be  
15 limited, I should say, and the objections are not  
16 grounds for us, the NTSB, to refrain from asking the  
17 questions, so we will still answer the questions. Any  
18 questions, so far?

19 RESPONDENT: No, sir.

20 MR. KUCHARSKI: Okay. So we're on  
21 recording. I'll go around the room and ask everyone to  
22 identify themselves. Ma'am.

23 MS. STOCKER: My name is Lesley Stocker.  
24 I'm the Director of Risk Manager, excuse me, Risk  
25 Management for Portus Services.

1 MR. MILLAR: I'm Mike Millar and I'm with  
2 the American Bureau of Shipping and part of the  
3 Operations Group in this investigation.

4 MR. SHEPHERD: Hi, Butch. My name's Al, Al  
5 Shepherd, I'm with American Bureau of Shipping. My  
6 function is with the corporate offices dealing with  
7 management systems certification. I'm representing the  
8 Human Performance Group.

9 MR. [REDACTED] Good afternoon. Thank you for  
10 being here. My name's [REDACTED] with the U.S.  
11 Coast Guard and I'm a civilian investigator and with  
12 the Human Performance Group.

13 MR. STITH: Kevin Stith with TOTE Services.  
14 I'm on the Operations Group.

15 MS. SERRIDGE: Melissa Serridge, HR Manager  
16 for TOTE Services and I'm on the Human Performance  
17 Group.

18 MR. [REDACTED] I am [REDACTED] with the  
19 Coast Guard and I'm part of the Operations Group.

20 MR. DEES: And Robert Dees. I'm Counsel for  
21 Portus and, also serving, as the Personal  
22 Representative for Mr. Newkirk.

23 RESPONDENT: Butch Newkirk, Vessel  
24 Superintendent for Portus and also serve as a Vessel  
25 Planner.

1 MR. KUCHARSKI: Mr. Newkirk, would you spell  
2 your name, complete name for the record?

3 RESPONDENT: G-E-O-R-G-E, N-E-W-K-I-R-K. I  
4 go by Butch.

5 MR. KUCHARSKI: Okay. And, would you give  
6 us a background, your background and the education,  
7 relating to the marine industry, or your --

8 RESPONDENT: I was in the Air Force/Air  
9 Force Reserves for ten years and went to work on the  
10 waterfront in '93, as a stevedore, as a longshoreman,  
11 in Fernandina. There is where I learned the hands-on,  
12 stowed different types of vessels, brake, bulk  
13 container ships, and started with SeaStar Line on their  
14 very first vessel, when the vessel first came in 1993,  
15 I'm sorry, '98.

16 And left in 2003 and went to work for Martin  
17 Marietta, as a Florida Yards Manager, and where we  
18 loaded and unloaded bulk and, bulk ships, granite and  
19 lime rock, coming from Nova Scotia and the Bahamas. In  
20 2010, I came back to SeaStar where we were still,  
21 SeaStar was still responsible for the stowing of the  
22 vessels. In 2012 I switched over to switch companies  
23 to Portus when Portus, pretty much, took over the  
24 operations from SeaStar Line.

25 MR. KUCHARSKI: Are you a member of any

1 union?

2 RESPONDENT: No, sir.

3 MR. KUCHARSKI: You mentioned that you are  
4 the Vessel Superintendent/Planner, can you give us a  
5 description of what that job entails?

6 RESPONDENT: We're, pretty much, tasked with  
7 planning the vessel, vessel setup, vessel arrival,  
8 vessel departure. We work hand-in-hand with TOTE  
9 representative for planning the vessel, doing the  
10 pre-stow on the vessel and then, the day of, doing the  
11 actual vessel planning. We separate the cargo. We  
12 receive our numbers from a member of TOTE. They give  
13 us the vessel projected book numbers and we separate  
14 them on the ship, or we stow them, accordingly, on the  
15 vessel, pre-stow them and then, adjust the stow,  
16 accordingly, during the day, as the cargo either  
17 arrives, or it doesn't arrive. Pretty much, plan the  
18 vessel.

19 And then, during the course of the day,  
20 we're, when we complete a stow plan for a particular  
21 bay, or a particular hold, we are given the material to  
22 a TOTE representative, who is inputting it in,  
23 CargoWise, and they're doing trim and stability at the  
24 same time.

25 MR. KUCHARSKI: Okay, on the particular day

1 of the, or the load out dates, unloading and loading of  
2 the El Faro, which was the 28th, 29th of September, who  
3 was the TOTE representative that you worked with?

4 RESPONDENT: Ronald Rodriguez.

5 MR. KUCHARSKI: So on that particular date,  
6 tell us what you did, as far as planning goes.

7 RESPONDENT: On the actual vessel day?

8 MR. KUCHARSKI: Yes.

9 RESPONDENT: We get the numbers very early  
10 on Friday morning, so I pre-stowed the weather deck,  
11 the top, the, on the top tier, on the top of the ship,  
12 we pre-stow it. The TOTE representative, which was  
13 Ronald, he is in the system, and in different offices,  
14 he can see what I'm doing. I'm in there, we, we call  
15 it painting, because it's, pretty much, what you do,  
16 you stow it, or pre-stow it by color, so we painted up  
17 the ship.

18 Go in to talk to him, verbally, to get his  
19 approval. And you go with that, here's the pre-stow  
20 for the, here's what we plan on doing on railroad,  
21 which for the last three years, two-and-a-half years,  
22 the ships have been selling completely full. So the  
23 lower decks rarely change. I mean, they're, you,  
24 pretty much, just all the holds just pretty much, just  
25 say full, full, full. And then, the bottom, if there's

1 any extra places where we're going to have to put  
2 cars, or something, we let them know that, we pre-stow  
3 that, but for the most part, the ship hasn't changed in  
4 two, two-and-a-half years, because they've been selling  
5 completely full.

6 So it's pretty common. I mean, it's a  
7 common pre-stow, we just give it, the top changes,  
8 because of the size of the boxes changes. The, it's  
9 very diverse on top, what each bay can hold. So if we  
10 have a lot of big boxes booked, we have to change the  
11 pre-stow, accordingly, but for the most part, for the  
12 last two years, the pre-stow have all been the same.

13 MR. KUCHARSKI: So when you say boxes, do  
14 you mean, like, containers?

15 RESPONDENT: Containers. Yes, sir.

16 MR. KUCHARSKI: Okay. And when you say  
17 paint, then, are you physically then looking at that  
18 particular container, or piece of cargo?

19 RESPONDENT: No, you paint the bay,  
20 according to what type of container you're going to put  
21 on there. It's 53s, 53s, 48s, 45s, 40s, reefers, all  
22 of them have a different color in their new internal  
23 operating system. So you actually use a paintbrush on  
24 the computer and go through and paint the bays that  
25 color. There's no pre-stow with weights, or, it's just



1 by box sizes. You're determining where you're going to  
2 put the box sizes, and then you stratify, as the boxes  
3 come in.

4 MR. KUCHARSKI: Okay, so then you, on this,  
5 is it a computer program, would it be fair to say a  
6 computer program?

7 RESPONDENT: Yes, sir.

8 MR. KUCHARSKI: So you, on that diagram, if  
9 you will, you actually show where that box goes in what  
10 position?

11 RESPONDENT: I show where that, on the  
12 pre-stow, I show where that type of box is going to go,  
13 not the box. On the actual stow. Then you show where  
14 the box, itself, is going, by number.

15 MR. KUCHARSKI: And the actual stow, would  
16 that be part of the, is there a final stow plan?

17 RESPONDENT: Yes, sir.

18 MR. KUCHARSKI: Is that what you mean by the  
19 actual --

20 RESPONDENT: Actual stow. Throughout the  
21 day, we, we create, we stow the bays and hope, and, you  
22 know, if we're lucky, we get to stow a complete bay.  
23 If not, then, it's a partial bay to be, and, you know,  
24 you have to come back to it, as the cargo comes in.

25 We stow the bay, and even if it's a partial

1 bay, we still give it to TOTE, those guys input it into  
2 their, into CargoWise, which is the Trim and Stability  
3 Program, and make sure everything's going good with the  
4 vessel, and then, as we come back and add to it, we  
5 also give them that, that plan, so they add to it.  
6 And, hopefully, by the second time we come back to it,  
7 it's a full bay and that's the complete, that's the  
8 final form.

9 MR. KUCHARSKI: So the pre-stow, you don't  
10 have, it's not a complete, the whole vessel is stowed,  
11 if you will, with all the containers and the rolling  
12 stock?

13 RESPONDENT: It's stowed by container type.  
14 And --

15 MR. KUCHARSKI: But, is this a, this  
16 pre-stow, is it before the vessel comes in, or is it in  
17 progress, as you go along?

18 RESPONDENT: It used to be before the vessel  
19 came in, but, but since we've gone to the new terminal  
20 operating system, it's Friday morning now. The vessels  
21 usually come in Thursday night. So the pre-stow is  
22 actually done on Friday morning. But it's done before,  
23 you know, there may be a small percentage of the cargo  
24 on the reefers on the second deck, up in 2A that we  
25 know have to go up there, they may be on the vessel,

1 some cars on the tank top that are going to go down  
2 there, that type of stuff may be already on the vessel.  
3 But, as far as the pre-stow, generally done, it can be  
4 done on Thursday night and it's not uncommon for us to  
5 do it on Thursday night, but then, when we get the  
6 numbers, if there's anything that we need to change, we  
7 make a change to it and get their okay and we're good.

8 MR. KUCHARSKI: So you don't know the  
9 weights, at that particular time, it's just like you  
10 said, by size?

11 RESPONDENT: Right.

12 MR. KUCHARSKI: Okay. And what about the,  
13 you mentioned this is the, the deck load, so those, I'm  
14 assuming, are containers?

15 RESPONDENT: Right.

16 MR. KUCHARSKI: What about the, is rolling  
17 vehicles, railroad?

18 RESPONDENT: The railroad we build,  
19 probably, I would think, probably, 60 to 70 percent of  
20 that cargo. When I say build, we got to take  
21 containers out of the yard and put them on chassis and  
22 roll them up there.

23 Because the live railroad numbers have, kind  
24 of, fallen off the trailers, the rolling equipment that  
25 used to go up there is falling off, so now we fill it

1 with the containers.

2 So we have, we build the heaviest loads we  
3 can possibly build to put down in tank top, usually,  
4 there's between four and eight loads going to the tank  
5 top. That's depending on fuel and fructose, the  
6 fructose load, how much load we need, actually, down  
7 there.

8 So we build the heaviest load that we can  
9 that will down in the tank top and the elevator allows  
10 and, and the third deck we do the same, we build as  
11 many 40, heavy 40s, as we can, to get stability in the  
12 third deck, which has been, you know, common for, since  
13 I started in '98, basically.

14 MR. KUCHARSKI: Would you say that in the  
15 last two to three years, has it been any challenge to  
16 get weights down low?

17 RESPONDENT: No. It hadn't been, I mean,  
18 like I said, it's been a challenge. The only challenge  
19 in the last two years has been the overabundance of  
20 cargo, you know, and they're trying to pick and choose  
21 what they want to go on the vessel.

22 So what we're doing is, you know, trying to  
23 decipher through Priority 1, Priority 2 cargo that's  
24 going on the vessel. But that's, that's not, it's been  
25 easier, probably, in the last two years to get the

1 weights that you need to put down below, because there  
2 is so much cargo.

3 MR. KUCHARSKI: You mentioned fructose,  
4 could you explain what that is, to the group?

5 RESPONDENT: That's a different operations.  
6 That's, that's liquid fructose being pumped on by a  
7 different company, by C&C Bulk, and it's going on in  
8 the morning, on Friday morning, it generally starts at  
9 6:00 a.m. and runs to about 1400.

10 And it's usually loaded out there, six, on  
11 the El Faro there were six fructose tanks, three on  
12 each side, and they're loaded evenly. If there's a  
13 situation where one of the tanks are going to be left  
14 off, they generally make them cut it short by, or they  
15 always make them, cut it short where there's only four  
16 tanks that way the ship stays even.

17 The tanks, I couldn't, I wouldn't, I don't  
18 remember exactly how much they hold, but they're, a lot  
19 of, a lot of liquid and heavy, so they add, they help  
20 out with the stability.

21 MR. KUCHARSKI: And do you, so will you get  
22 figures for your pre-stow on which tanks will be loaded  
23 and how many?

24 RESPONDENT: Yes.

25 MR. KUCHARSKI: You will?

1                   RESPONDENT: The TOTE representative lets me  
2 know exactly how many tanks are going to be loaded. At  
3 that time, usually, it's Don Matthews. And that time,  
4 Don and I, or Ronald, in this case, talk about how much  
5 weight we need in the tank top, you know, how many  
6 containers we need.

7                   And that varies to how much, like I said,  
8 that varies, according to how many tanks, fructose  
9 tanks there's going to be and how many cars they have.  
10 So if they don't have enough cars to fill up the tank  
11 top, generally, we'll put one or two more tanks, heavy  
12 40s down there and it just adds to the stability.

13                  MR. KUCHARSKI: So your discussions with  
14 Ron, on the fructose tanks is, he's looking at the  
15 stability --

16                  RESPONDENT: Right.

17                  MR. KUCHARSKI: -- overall?

18                  RESPONDENT: He's looking, they're looking  
19 at stability all day long, trim and stability.

20                  MR. KUCHARSKI: So after you complete the  
21 pre-stow, does that pre-stow go to anybody?

22                  RESPONDENT: Like I said, they have access  
23 to the same system, to Tide Works, so they're in there,  
24 they're seeing the ship painted. They know exactly  
25 what we have.

1                   And if they think we should do something  
2 else, they come in there and say, hey, you know, I  
3 think we're going to need to put more 53s on, later on  
4 in the day, and we change it. I mean, there's -- it's  
5 rare that we have to change anything. And then, once  
6 we get the final numbers, we paint it, accordingly, and  
7 it's, and stow it.

8                   MR. KUCHARSKI: Does the ship ask you for  
9 anything, or does that come through someone else?

10                  RESPONDENT: No the ship deals with TOTE. I  
11 mean, we rarely deal with anything. I mean, the last  
12 night of, the night of the El Faro left, I talked to  
13 the chief, because I just wanted to make sure he was  
14 good.

15                  Ronald had been trying to call him, he  
16 couldn't get through, and I called him on Channel 15  
17 and asked him if he was, I was fixing to lose the crane  
18 gang, my last crane gang, and I said, Chief, everything  
19 good? We're good and we're at zero, .02, on the, with  
20 the list, everything's good. They went out, Ronald, I  
21 think, was out at that time, leaving to go out to check  
22 the watermarks with him and make sure he was good.

23                  MR. KUCHARSKI: So you say Ron was going  
24 with the Chief, is that the Chief Mate, or the Chief  
25 Engineer, who was --

1                   RESPONDENT:   The Chief Mate.

2                   MR. KUCHARSKI:   The Chief Mate?

3                   RESPONDENT:   Yes, sir.

4                   MR. KUCHARSKI:   And they were going to check  
5 the marks?

6                   RESPONDENT:   They always go out and check  
7 the water marks on, and get their trim and all that  
8 stuff, make sure everything's matching up.

9                   MR. KUCHARSKI:   So when you say watermarks,  
10 do you mean draft marks?

11                  RESPONDENT:   Yes, sir.

12                  MR. KUCHARSKI:   Okay.

13                  MR. [REDACTED] [REDACTED] with Coast  
14 Guard. Do you know if they check the draft marks on  
15 both sides of the ship?

16                  RESPONDENT:   No, sir. They just check them  
17 on the starboard side, the side the ship's on.

18                  MR. [REDACTED] Thank you.

19                  MR. [REDACTED] [REDACTED] with the Coast  
20 Guard. You said the point is, there are two lists, was  
21 the last time you talked to the Chief Mate, was there  
22 any cargo operations after that, or was that --

23                  RESPONDENT:   Not that was it.

24                  MR. [REDACTED] -- that was finished then?

25                  RESPONDENT:   That was it. I had the crane



1 gang standing, standing by, just in case he said,  
2 there's 20s that you can move that make an unbelievable  
3 amount of difference in the trim. I mean, if you're  
4 around the degree, anything other than that, we got to,  
5 we got to do some work, but --

6 MR. MILLAR: This is Mike Millar with ABS.  
7 When you was, when you were talking about loading  
8 20-foot footers, you're talking about moving the  
9 20-foot containers from one side of the ship to  
10 another, to account for list?

11 RESPONDENT: Yes, sir. Within a degree. If  
12 we want to get, if we're to get it down under a degree,  
13 really, under a half-a-degree that, you know, they can  
14 pump, my understanding is that they can pump a degree  
15 off with ballast water, but we try to get it as, as  
16 plumb, as possible, before they leave.

17 MR. MILLAR: And do they ever ask for cargo  
18 to be moved forward, or after --

19 RESPONDENT: No, sir.

20 MR. MILLAR: -- to adjust for a trim?

21 RESPONDENT: No.

22 MR. MILLAR: And, was there anything else in  
23 the conversation with the Chief Mate --

24 RESPONDENT: That was it.

25 MR. MILLAR: -- on the day (inaudible) --

1                   RESPONDENT: I just asked him, if he was  
2 good, he was happy with everything? He told me he was.  
3 I told him, have a safe trip.

4                   MR. MILLAR: And you mentioned that the,  
5 that they'd been running full ship for the last three  
6 years, has it, do they always, sort of, load the same  
7 profile? In other words, containers are two high, or  
8 three high, or on deck?

9                   RESPONDENT: Yes, sir. I mean, there's  
10 only, containers are three high and there's only so  
11 many bays that, depending on the particular weights  
12 that you can go three high, because of the stability.  
13 And that's all measured in the CargoWise.

14                  MR. MILLAR: So the company has been moving  
15 a lot more cargo, recently?

16                  RESPONDENT: For the past two,  
17 two-and-a-half years.

18                  MR. MILLAR: And I assume you've seen that,  
19 because you see, you have a crew, you know how many  
20 people are onboard, how long it takes to load the  
21 cargo, does it take, you're probably spending more time  
22 loading the cargo, now?

23                  RESPONDENT: No, I mean, maybe an hour, or  
24 two, but we've, you know, we've, if the cargo's there,  
25 we're pretty good at getting it loaded. So I mean, it

1 helps that the cargo is there versus standing by  
2 waiting on cargo, in the old days, or whatever. But  
3 now that there's an abundance of cargo, the crews are  
4 steady working and you can, pretty much, load the ship  
5 in about the same amount of time.

6 MR. MILLAR: Well it sounds like you had a  
7 really, you know, close working relationship with the  
8 Chief Mate and the TOTE representative and, I assume,  
9 you would have to.

10 RESPONDENT: Yes. Well --

11 MR. MILLAR: That would be (inaudible).

12 RESPONDENT: -- the Chief Mate, I mean, I  
13 talk to those guys when I need to. Most of time, I let  
14 the representative from TOTE handle it, but that day,  
15 me and Ronald, I happened to go in and talk to him and  
16 I heard him trying to call the Chief Mate and I wanted  
17 to make sure, so I got on my radio and called him on  
18 Channel 15 and got him, for whatever reason, he didn't  
19 answer Ronald's, but I got him and I just asked him if  
20 he was good with everything, with Ronald Rodriguez  
21 right there, and he said yes he was and told us good  
22 job and that was it.

23 MR. MILLAR: Had there been any incidences  
24 where the ship, or the TOTE representative, has said,  
25 look, we're going to have to move some of this heavier

1 cargo in a different position, you know, from a high  
2 spot to a low spot?

3 RESPONDENT: Well there's been times when  
4 we've had to take cargo off. I mean, if it, if they  
5 don't hit their marks, then they're not sailing. We're  
6 going to take, we're going to take cargo off, the  
7 cargo's going to be left behind.

8 There has been times when we've had to move  
9 bays around to get the stability right. I mean, it  
10 doesn't happen often. We get it right most of the  
11 time, but whenever they need something, we do it.

12 MR. MILLAR: Okay.

13 MR. SHEPHERD: Al Shepherd, ABS. You, you  
14 see this crew pretty routinely, right, (inaudible) in  
15 and out --

16 RESPONDENT: Yes, sir. They come into the  
17 office --

18 MR. SHEPHERD: -- (inaudible).

19 RESPONDENT: -- and need rides and --

20 MR. SHEPHERD: Right. So over a period of  
21 years you've, you know, you have a good rapport with  
22 each other, you talk to each other, sometimes about  
23 (inaudible) and not about football scores, or whatever,  
24 right?

25 (Crosstalk)

1                   RESPONDENT: Right.

2                   MR. SHEPHERD: So do you happen to know any  
3 of these folks on a personal level, maybe you go grab a  
4 beer together, or something?

5                   RESPONDENT: I go out with my father-in-law.

6                   MR. SHEPHERD: Oh. Hopefully, you do that.

7                   RESPONDENT: Yes.

8                   MR. SHEPHERD: Right. Any others?

9                   RESPONDENT: I mean, I know, I know, pretty  
10 much, all of them by face. I mean, like I said, they  
11 come in the office and, generally, early in the  
12 mornings. When we used to start really early in the  
13 mornings, there would be, I would be the only one in  
14 the office doing, getting the ship ready and stuff and  
15 the guys would come in, come up to the front,  
16 hollering. I'd call the van, the transport, to get  
17 them to go back to the ship. But, I mean, we'd talk  
18 for a little while, you know.

19                   Used to, back years ago, I got to spend more  
20 time up on the ship, up on the railroad decks and all.  
21 But now, we're pretty much, in the office planning. We  
22 have foremans and headers that are down there, pretty  
23 much, all the time with the guys.

24                   MR. SHEPHERD: And by asking that question,  
25 I'm not implying there's anything wrong with it, I was

1 just --

2 RESPONDENT: Right. No, I knew --

3 MR. SHEPHERD: -- curious (inaudible).

4 RESPONDENT: -- I knew most of them by face  
5 and a lot of them by name and --

6 MR. SHEPHERD: On that day, the day you were  
7 loading, it was on the 29th, is that right?

8 RESPONDENT: Yes, sir.

9 MR. SHEPHERD: On that day, was there, did  
10 anything standout, any conversations you had with the  
11 (inaudible) the crew, I mean, were they pretty --

12 RESPONDENT: Normal.

13 MR. SHEPHERD: Just like normal?

14 RESPONDENT: Yes, sir.

15 MR. SHEPHERD: No conversations with anyone  
16 that indicated any concerns, or any --

17 RESPONDENT: Nothing.

18 MR. SHEPHERD: Unrelated to the weather, or  
19 the storm, just anything in general, left and  
20 everything was good?

21 RESPONDENT: Everything was good. I mean,  
22 that's, kind of, you know, what makes it all hard, you  
23 know?

24 MR. SHEPHERD: Yes.

25 RESPONDENT: But --

1 MR. SHEPHERD: That's right.

2 MR. KUCHARSKI: Mike, Mike Kucharski. Were  
3 there any discussions about weather-related stowage?

4 RESPONDENT: No. That, on that particular  
5 day, which, there wasn't, because the week before on a,  
6 this was on a Tuesday, the Friday of the week before,  
7 there was something going on and we had a discussion  
8 with, that they came in, I believe, it was Don  
9 Matthews, came in and asked if we were hurricane  
10 lashing? And I said, well we've been hurricane lashing  
11 all along, we're hurricane lashing.

12 And Tony Callaway, Taco, happened to be  
13 standing right there and he said, yes. He confirmed,  
14 yes, we're hurricane lashing and we have been hurricane  
15 lashing year-round, which consists of, if they're on  
16 the button, on the railroad decks, two chains in the  
17 front, I mean, two chains in the front, two chains in  
18 the back.

19 If they're off the button, it'll be four  
20 chains in the front and two chains in the back. And  
21 then we, the lashing on the weather deck is the same,  
22 you lash it with two rods, two in starboard, one and  
23 two in starboard.

24 MR. KUCHARSKI: And who is Don Matthews?

25 RESPONDENT: Don Matthews is the guy that,

1 for TOTE, is 99.9 percent of the time, the guy that is  
2 doing the inputting of the CargoWise. He and I sit, he  
3 has an office right beside me. We have a window cut  
4 through where we can talk. I can drop him off the stow  
5 plans, as we do and finish them, the final stow.

6 He's, generally, the guy that's doing this.  
7 Ronald has, Ronald does it when Don's on vacation, but  
8 Ronald is, you know, Ronald's really good at it, too,  
9 but Don is the guy that's doing it 99.9 percent of the  
10 time.

11 He's the guy that has most of the contact  
12 with the, with the vessels. He knows the captains and  
13 the chiefs, everybody. I mean, if they have a problem,  
14 they go to Don, most of the time.

15 MR. KUCHARSKI: So Don was not doing the  
16 work on this --

17 RESPONDENT: No, he was on vacation.

18 MR. KUCHARSKI: He was on vacation and --

19 RESPONDENT: Yes, sir.

20 MR. KUCHARSKI: -- Ron Rodriguez was doing  
21 the work, Ron was?

22 RESPONDENT: Yes, sir.

23 MR. KUCHARSKI: And how many times have you  
24 worked with Ron, in that position, subbing for Don?

25 RESPONDENT: Numerous. I mean, I couldn't



1 tell you the number right off-hand, but we've done it,  
2 every time Don's off we, it's, it's Ronald and myself.

3 MR. KUCHARSKI: Any differences in the way  
4 they operate?

5 RESPONDENT: No, sir. I mean, they got,  
6 their hands are, pretty much, tied. I mean, it is,  
7 it's a system. There's no, you know, it's, you put it  
8 in, it tells you yes or no.

9 MR. KUCHARSKI: The final stow plan, when  
10 you complete that, what happens to that?

11 RESPONDENT: It's filed, it goes in a file.  
12 Don Matthews comes in and he gets all the railroad  
13 plans, there's all the tags, everything that was put on  
14 railroad, bundles it and files it.

15 MR. KUCHARSKI: And the actual final stow  
16 plan, itself, is that a document?

17 RESPONDENT: It's saved, now, it's saved on  
18 the computer.

19 MR. KUCHARSKI: And is there any formal  
20 process where you say, okay, I've got it done?

21 RESPONDENT: Not me. I mean, when the  
22 final, the final plan's done, I let Don or Ronald know,  
23 this is a final, we drop off, we actually make him, he  
24 already has a copy of the final, the bays, but we make  
25 him a final-final that we give him three copies, two

1 for the vessel, one for himself, and we make them and  
2 staple them and give them to him and let him know  
3 that's the final.

4 MR. KUCHARSKI: So it's a hard copy?

5 RESPONDENT: It's a hard copy. But he has  
6 it. Like I said, he has access to everything I have  
7 access to, so he already, he has it on the computer, as  
8 well, but we make him three hard copies.

9 MR. KUCHARSKI: And what happens to that  
10 final stow plan?

11 RESPONDENT: After I give it to him? I know  
12 he gives two to the vessel. That's all I know what he  
13 does with his, I think it probably goes in his file.

14 MR. KUCHARSKI: Paper copies?

15 RESPONDENT: Right.

16 MR. KUCHARSKI: And what about the  
17 electronic copy you give him?

18 RESPONDENT: It's saved on the computer. I  
19 don't give him an, like I said, he has access. He's  
20 seeing everything I'm seeing. I don't give him a  
21 drive, or anything, it's --

22 MR. [REDACTED] [REDACTED] with the Coast  
23 Guard. The final stow plan that you said you made  
24 copies of, is that from the program that you use where  
25 you're painting, I think you called that Tidework?

1                   RESPONDENT: Tideworks.

2                   MR. [REDACTED] That's the --

3                   RESPONDENT: Yes.

4                   MR. [REDACTED] -- Tideworks?

5                   RESPONDENT: Yes.

6                   MR. [REDACTED] You don't go into the CargoMax  
7 Program, right?

8                   RESPONDENT: No.

9                   MR. [REDACTED] So the final printout, which  
10 program is that from?

11                   RESPONDENT: The final printout, it comes  
12 off the, the weather deck comes off of Tideworks, the  
13 railroad plans are all manual, still, because Tideworks  
14 has no, no system for that, so it's all manual, done on  
15 papers. Well, it's done with the, when a trailer gets  
16 parked in a position, we have two checkers onboard,  
17 they're writing the numbers down, writing the weights  
18 down of the trailers, and all of that is being brought  
19 up to the person that's inputting into CargoMax,  
20 during, throughout the day.

21                   MR. MILLAR: Mike Millar, ABS. When the  
22 checker, or the, the header, correct, lash header?

23                   RESPONDENT: Lashing header.

24                   MR. MILLAR: Do they write down the weights,  
25 you know, who's, when they take down the weights on the

1 containers, are they taking the gross vehicle weight,  
2 or is there a weight that's already been put on a sheet  
3 of paper for that particular --

4 RESPONDENT: You're talking about for the  
5 railroad loads?

6 MR. MILLAR: Yes, sir.

7 RESPONDENT: For the railroad loads, we give  
8 him a printout of what he needs to build, or we give  
9 him a printout of all the railroad loads that are  
10 going, with the weights on them, he adds the chassis  
11 weight and he adds 9,000, I think it is, for the  
12 chassis weight, and puts it on a tag. The tag goes  
13 down below.

14 When the trailer's parked, he writes it, he  
15 writes the trailer weight and he writes trailer number,  
16 the weight, all that, and as soon as the plan, that  
17 hold is done, he brings it all back out, or there's a  
18 runner going back and forth, he gives it to the runner  
19 and they run it up to the guy that's inputting it into  
20 CargoMax.

21 MR. MILLAR: Now is the weight, how is the  
22 weight of that chassis and container boxes --

23 RESPONDENT: The container's weighed at the  
24 gate, as it comes in.

25 MR. MILLAR: At the gate?

1                   RESPONDENT:   Yes.

2                   MR. MILLAR:   So they weigh each --

3                   RESPONDENT:   Everything.

4                   MR. MILLAR:   -- each, each has got a weight.

5       How about the 20-foot containers that got loaded on  
6       deck, are they --

7                   RESPONDENT:   Everything's weighed at the  
8       gate, as it comes in.

9                   MR. MILLAR:   So all those, they each have a  
10       weight assigned to that particular container?

11                   RESPONDENT:   Yes.

12                   MR. MILLAR:   And if, if the container's  
13       overweight, what happens then?

14                   RESPONDENT:   We don't allow it in the gate.  
15       It's turned around at the gate. Unless, the customer's  
16       called and they say that they're going to take it in to  
17       the, take it in and take it over to the warehouse and  
18       transfer it, if a customer agrees to that, then we let  
19       them in, circle them around, take them to the  
20       warehouse, transfer the --

21                   MR. MILLAR:   Then --

22                   RESPONDENT:   -- cargo --

23                   MR. MILLAR:   -- unstuff them and --

24                   RESPONDENT:   -- additional cargo out of  
25       there.

1 MR. MILLAR: -- re-stuff them.

2 RESPONDENT: Right.

3 MR. [REDACTED] Coast Guard. A  
4 couple of clarification questions. When you talk about  
5 Priority 1 and Priority 2 cargo, what does that mean?

6 RESPONDENT: TOTE's gotten an abundant,  
7 since the Horizon Lines went out of business, that was  
8 a competitor for SeaStar, TOTE, when they went out of  
9 business all that cargo, or the majority of that cargo,  
10 came down to TOTE.

11 So they had to prioritize what they wanted  
12 to put on that vessel. Not all the cargo would fit on  
13 that vessel. So as we're loading the ship, we're  
14 loading it according to Priority 1 and Priority 2  
15 cargo.

16 MR. [REDACTED] And who prioritizes that  
17 cargo?

18 RESPONDENT: Commercial Department for TOTE.

19 MR. [REDACTED] And Horizon Lines, what was  
20 their route, where, they went to Porte Rico, but where  
21 did they sail from?

22 RESPONDENT: Jacksonville.

23 MR. [REDACTED] And how long ago, to your  
24 knowledge, did Horizon Lines go out of business?

25 RESPONDENT: Shoot, it's been two years, I

1 think. I don't, I'm not sure, but about two years.

2 MR. [REDACTED] So would you attribute the  
3 increased, full ships that are being sailed by TOTE, to  
4 Horizon Lines going out of business?

5 RESPONDENT: Some of it, but it started  
6 before then, I mean, they were sailing full before  
7 then.

8 MR. [REDACTED] To your knowledge, has Port  
9 U.S., that's who, Portus, that's who you report --

10 RESPONDENT: Portus.

11 MR. [REDACTED] Have you ever received a  
12 complaint about cargo stowage from TOTE?

13 RESPONDENT: No, sir.

14 MR. [REDACTED] Okay. I mean, as a company,  
15 do --

16 RESPONDENT: No, sir.

17 MR. [REDACTED] Have you, personally, received  
18 any?

19 RESPONDENT: No, sir. I mean, if we did, I  
20 mean, if there was something we needed to fix, we fixed  
21 it immediately. But never, like you saying, that ship  
22 went out wrong or, no. If it was something they wanted  
23 to do differently, or something that didn't work in  
24 CargoMax, it was immediately fixed.

25 MR. [REDACTED] Are you aware of any

1 containers lost overboard from any, either the El  
2 Yunque, or the El Faro?

3 RESPONDENT: Not that I know of.

4 MR. [REDACTED] How about stacks of  
5 containers, like, shifting, or displacing the cargo?

6 RESPONDENT: Never.

7 MR. [REDACTED] And do you know, the  
8 year-round hurricane lashing?

9 RESPONDENT: Yes, sir.

10 MR. [REDACTED] Do you, do you bill more for  
11 that? Does it cost me more, if you're doing that  
12 year-round?

13 RESPONDENT: No. That's a, it's always been  
14 a topic of discussion, but no, we haven't been.

15 MR. [REDACTED] And is there anywhere that I  
16 could find what the, you know, you discussed, you know,  
17 you guys shifted around to having a year-round lashing  
18 and the previous person said it was just too cumbersome  
19 to figure out what -- is that written down, that  
20 policy, somewhere?

21 RESPONDENT: No, sir. I don't think so. I  
22 don't believe so. It was just something we agreed on  
23 that, you know, don't hurricane lash, it's confusing  
24 for, you know, the guys. You know, do it like this,  
25 this week, don't do it like this, this week, so we just



1       went to securing it hurricane lashing year-round.

2                   MR. [REDACTED]     And you mentioned trim, how is  
3       trim measured on that ship?

4                   RESPONDENT:   How is it measured?   It's  
5       measured in CargoMax.

6                   MR. [REDACTED]     Okay, is it verified, is  
7       there, is there a backup system to verify trim, other  
8       than a computer system?

9                   RESPONDENT:   Other than the Chief walking  
10      along the starboard side and one alongside the dock and  
11      measuring it himself, that's --

12                  MR. [REDACTED]     Okay.   How about, how about  
13      the side-to-side action --

14                  RESPONDENT:   The lists?

15                  MR. [REDACTED]     -- the lists, how would that  
16      be measured?

17                  RESPONDENT:   They have, CargoMax will let  
18      you know if there's a, a list, of course, visual.   We  
19      can see the ship, if it has a list, and I, that's all I  
20      know of, I've never been on the bridge.   I'm sure the  
21      captain can answer, if they have anything up there that  
22      measures, I'm sure they do.

23                  MR. [REDACTED]     And then just, like a real  
24      imperceptible list, you say you can see it, just to  
25      help me out, how can you see it?

1                   RESPONDENT: Less than a degree, you can't  
2 see. I mean, but if they still want to move something  
3 when it's less than a degree, then, like I said, most  
4 time, moving a one 20-footer around from port side to  
5 starboard, or starboard to port --

6                   MR. [REDACTED] And --

7                   RESPONDENT: -- generally takes care of it.

8                   MR. [REDACTED] My, just my final question,  
9 you mentioned all kinds of different containers, but  
10 what would a heavy 53 be? Why is it called that?

11                  RESPONDENT: A heavy 53? I don't remember  
12 saying a heavy 53, but most of the 53s are fairly light  
13 boxes. They're Walmart boxes and they're stuff that,  
14 they're not, they're cubed, but they're big, generally,  
15 big boxes inside and they're, they're not really never,  
16 I mean, I'd say a heavy 53 is, probably, a 40,000-pound  
17 box.

18                  MR. [REDACTED] So you just mentioned cubes,  
19 are you talking about volume?

20                  RESPONDENT: No, I'm talking about what they  
21 actually put in the container. I, I really can't go  
22 into what they, what Walmart stuffs in their  
23 containers, but a heavy 53 would be, probably, around  
24 40,000.

25                  MR. [REDACTED] Thank you, very much.

1                   RESPONDENT: Yes, sir.

2                   (Off microphone discussion)

3                   MR. KUCHARSKI: All right, is there a  
4 follow-on, on any of those questions there? Otherwise,  
5 let's hold the, all the questions, you know, if you  
6 have particular ones, okay? Any follow-ons on that  
7 answer?

8                   MR. MILLAR: Mike Millar, ABS. You had  
9 mentioned CargoMax, is that also part of your records  
10 that you give to, do you get a printout of the  
11 CargoMax?

12                  RESPONDENT: That's their records, we don't  
13 mess with CargoMax.

14                  MR. MILLAR: Okay.

15                  MR. KUCHARSKI: Anything on -- do you have  
16 any kind of way of logging, a log of what you're doing  
17 throughout the day?

18                  RESPONDENT: Other than the checker sheets  
19 that's what we, that's what we go off of. The checker  
20 sheets, pretty much, tell you where the cranes are  
21 throughout the day.

22                  MR. KUCHARSKI: Is there a master list of  
23 specific stow restrictions where you can't put things  
24 that you go by?

25                  RESPONDENT: Yes there is, it's in my head.

1 I've been doing this since '98. But yes, I mean,  
2 there's -- we, pretty much, know that what the bays  
3 will hold and what they won't hold, but the CargoMax is  
4 set up to show, if we were to try and to do something  
5 before the first box, say, I was to try to put a 53 in  
6 a 40-foot position, before the first box went up I'd  
7 know, because Don, or Ronald, would say, you know you  
8 can't do that, that's a 40-foot bay and you're putting  
9 a 53 up, but that never happens. I mean, we know,  
10 pretty much, know the ship, the layout, where we can  
11 and can't put cargo.

12 MR. KUCHARSKI: How about down in the  
13 rolling stock?

14 RESPONDENT: I mean, there is a layout.  
15 There's a schematic of the vessel, what you can put  
16 there. And the dispatcher for the railroad has that  
17 schematic and he's writing the boxes, as they go up,  
18 into each spot, so he knows everything that's full.

19 MR. KUCHARSKI: But no specific exclusions,  
20 you can't put something, a type of cargo here, or a  
21 certain area, you can't put things in front of this  
22 store, around this, or certain size?

23 RESPONDENT: No, other than knowledge and,  
24 you know, of course, the hazardous chart. If you're  
25 loading hazardous cargo, we have a hazardous chart to

1 let you know how far apart the cargo needs to be.

2 MR. KUCHARSKI: Any follow-on that, those  
3 questions?

4 (No Response)

5 MR. KUCHARSKI: Okay. We'll go around the  
6 room. Mike?

7 (No Response)

8 MR. KUCHARSKI: Al?

9 MR. SHEPHERD: No questions. Thank you.

10 MR. KUCHARSKI: [REDACTED]

11 (Off microphone discussion)

12 MR. [REDACTED] No, sir.

13 MR. KUCHARSKI: Kevin?

14 MR. STITH: No, sir.

15 (Off microphone discussion)

16 MR. KUCHARSKI: [REDACTED]

17 MR. [REDACTED] No.

18 MR. KUCHARSKI: Okay. It's exactly 1548,  
19 we've ended the interview. Thank you, very much,  
20 Butch, for coming. Sorry to pull you away.

21 RESPONDENT: Glad I could help.

22 MR. KUCHARSKI: Thank you.

23 MR. [REDACTED] Thank you, Butch.

24 (Whereupon, the interview in the above-  
25 entitled matter was concluded at 3:48 p.m.)

|   |  |  |  |
|---|--|--|--|
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C E R T I F I C A T E

MATTER: El Faro Incident  
Accident No. DCA16MM001  
Interview of Butch Newkirk  
Jacksonville, Florida

DATE: 10-12-15

I hereby certify that the attached transcription of page 1 to 46 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.



**NEAL R. GROSS**

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TABLE OF CORRECTIONS TO TRANSCRIPT OF INTERVIEW FOR

GEORGE NEWKIRK

TAKEN ON

OCTOBER 12 2015

| PAGE NUMBER | LINE NUMBER | CURRENT WORDING | Suggested CORRECTED WORDING | NTSB Response                               |
|-------------|-------------|-----------------|-----------------------------|---|
| 5           | 12          | brake,          | breakbulk                   | AGREE                                       |
| 6           | 21          | given           | giving                      | Do Not Agree. Transcript same as recording. |
| 7           | 20          | railroa         | RoRo                        | AGREE                                       |
| 7           | 22          | sellin          | sailing                     | AGREE                                       |
| 8           | 4           | sellin          | sailing                     | AGREE                                       |
| 11          | 17,18,23    | railroa         | RoRo                        | AGREE                                       |
| 21          | 20          | railroa         | RoRo                        | AGREE                                       |
| 23          | 16          | railroa         | RoRo                        | AGREE                                       |
| 25          | 12,14       | railroa         | RoRo                        | AGREE                                       |
| 27          | 13          | railroa         | RoRo                        | AGREE                                       |
| 28          | 5,7,9       | railroa         | RoRo                        | AGREE                                       |
| 36          | 16          | railroa         | RoRo                        | AGREE                                       |

If, to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEEDED.

\_\_\_\_\_  
Initials

George E. Newkirk

Printed Name of Person providing the above information

[Redacted Signature]

Signature of Person providing the above information

4 Nov. 2015

Date